

U.S. Serial No. 10/538,327

Response dated: January 18, 2011

Response to Office Action dated: October 18, 2010

**Amendments to the Drawings:**

The attached replacement set of drawings includes changes to Fig. 2. The attached sheets, which include Figs. 1-4, replace the entire original set of drawings.

In Fig. 2, the two figures of the original Fig. 2 have been renumbered as Fig. 2A and Fig. 2B.

**Attachments:**

Replacement Sheets (3) and Annotated Sheet (1), showing changes.

### **REMARKS**

Claims 1, 4-10 and 12 remain pending in the present application. Claim 12 is amended to incorporate the limitations of previously canceled claims 2 and 3. The amendment to the specification is submitted to insert the subtitle "Brief Description of the Drawings" at the appropriate point in the specification, as required by the Examiner, and to revise the description of Fig. 2 to correspond to the revised drawing, as required by the Examiner. No new matter is entered.

#### ***Objection to the Specification***

The Examiner has noted that the "Brief Description of the Drawings" is missing. Applicants believe that the accompanying amendment to the specification cures this deficiency.

#### ***Objection to the Drawings***

The Examiner has objected to Fig. 2 as originally presented for failing to label the separate portions thereof. Applicants submit herewith a Replacement Sheet containing the appropriate correction.

#### **Rejection under 35 U.S.C. §112**

Claims 1 and 4-10 are rejected under 35 U.S.C. §112, second paragraph as indefinite. Applicants traverse this basis for rejection and respectfully request reconsideration and withdrawal thereof.

The Examiner indicates:

...the structural relationship between component (A) and component (B) is not clearly defined. For example, the

components can be in separate layers or in a single layer as a blend or copolymerized.

Applicants respectfully submit that claim 1 (and therefore dependent claims 4-10) is clear as written. Claim 1 states:

A coaxial or triaxial cable comprising a dielectric layer which comprises component (A) which is a propylene homo- or copolymer having strain hardening behavior with a haul-off force  $F_{\max} > 5\text{cN}$  and a draw-down velocity  $v_{\max} > 150 \text{ mm/s}$ , and component (B) which comprises a propylene homo- or copolymer having a catalyst residue of less than 50 ppm, an ash content below 100 ppm and a chloride content of less than 5 ppm. (Emphasis added).

Thus, it is clear that both components (A) and (B) are in a single dielectric layer which comprises them both. Multiple separate layers of components (A) and (B) are not suggested by this language. In this regard, the Examiner's attention is directed to page 7, paragraph 5, wherein it is stated:

...the incorporation of said component (B) into the dielectric layer..." (emphasis added),

and page 8, paragraph 6, wherein Applicants state:

...that component (B) of the dielectric layer... (emphasis added).

As the Examiner is well-aware, the claims are construed to give the broadest "reasonable" interpretation, "in light of the specification".

...during examination the USPTO must give claims their broadest reasonable interpretation in light of the specification. This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary,

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simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say...)  
**MPEP 2111.01 (I)** (Emphasis added).

Applicants submit that the skilled artisan would understand the claims as written, such that the dielectric layer must contain both components (A) and (B).

Likewise, the specification provides no indication whatsoever that components (A) and (B) could be “copolymerized” as suggested by the Examiner. Both of components (A) and (B) are separately characterized as (co)polymers, *per se*, and nowhere do Applicants suggest differently.

Withdrawal of the rejection is requested on these bases.

**Rejection under 35 U.S.C. §103(a) over Cogen in view of DeNicola, Jr.**

Claim 12 stands rejected under 35 U.S.C. §103(a) as obvious over Cogen in view of DeNicola, Jr. Applicants traverse this basis for rejection and respectfully request reconsideration and withdrawal thereof.

Claim 12 has been amended commensurate with the previous amendment to claim 1, which the Examiner has indicated is sufficient to overcome the prior art rejections (Office Action, page 2, paragraph 2). Accordingly, Applicants believe the amendment to claim 12 renders the rejection moot.

Withdrawal of the rejection is requested.

In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance. Prompt notification of allowance is respectfully requested.

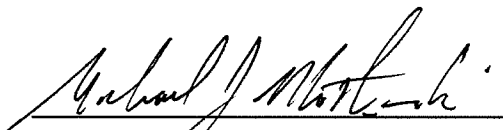
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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-2478 (12466).

If the Examiner has any questions or wishes to discuss this application, the Examiner is invited to contact the undersigned representative at the number set forth below.

Respectfully submitted,

Date: January 18, 2010

A handwritten signature in black ink, appearing to read "Michael J. Mlotkowski", written over a horizontal line.

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Attachment: Drawing Replacement Sheet 2/3

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Correspondence is to be sent:

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